

JAN 08 2003

Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation  
Against:

**BERT DUWAYNE HADDIX**  
120 Village Square Road, Apt. 35  
Orinda, California 94563

**Psychiatric Technician License No. PT 21741**

Respondent.

Case No. T-1068

**PETITION TO REVOKE  
PROBATION**

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
2. On or about April 14, 1982, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 21741 to Bert Duwayne Haddix (Respondent). The Psychiatric Technician License expired on August 31, 2003 and was not renewed until August 30, 2007. Said license will expire on August 31, 2009, unless renewed.

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1 at any time within four years after the expiration.

2 **FIRST CAUSE TO REVOKE PROBATION**

3 **(Obey All Laws)**

4 9. At all times after the effective date of Respondent's probation, Condition 1  
5 of the Disciplinary Order stated, in pertinent part, that:

6 [R]espondent shall submit two (2) completed fingerprint cards and the  
7 applicable fingerprint processing fees to the Board within thirty (30)  
8 days of the effective date of the decision. . . .

9 10. Respondent's probation is subject to revocation because Respondent failed  
10 to comply with Probation Condition 1, referenced above, in that Respondent did not submit  
11 fingerprint cards and processing fees by March 15, 2004.

12 **SECOND CAUSE TO REVOKE PROBATION**

13 **(Compliance with Probation Program and Quarterly Report Requirements)**

14 11. At all times after the effective date of Respondent's probation, Condition 2  
15 of the Disciplinary Order stated that:

16 Respondent shall fully comply with terms and conditions of the  
17 probation established by the Board and shall cooperate with the  
18 representatives of the Board in its monitoring and investigation of  
19 the Respondent's compliance with the Probation Program.

20 Respondent shall submit quarterly reports, under penalty of perjury,  
21 in a form required by the Board. The reports shall certify and  
22 document compliance with all the conditions of probation.

23 12. Respondent's probation is subject to revocation because Respondent failed  
24 to comply with Probation Condition 2, referenced above, in the following ways:

25 a. Respondent failed to submit required Quarterly Reports on the  
26 following due dates:

- 27 • April 7, 2004;
- 28 • July 7, 2004;
- October 7, 2004;
- January 7, 2005;
- April 7, 2005;

- July 7, 2005;
- October 7, 2005;
- January 7, 2006;
- April 7, 2006;
- July 7, 2006;
- October 7, 2006;
- April 7, 2007;
- April 7, 2008;
- July 7, 2008; and
- October 7, 2008.

b. Respondent failed to submit required Quarterly Reports due January 7, 2007 and July 7, 2007 in a timely manner; and

c. Respondent failed to accept certified mail from the Board sent to his address of record on May 28, 2004, June 14, 2004, September 26, 2007, and January 23, 2008.

### **THIRD CAUSE TO REVOKE PROBATION**

#### **(Employment Requirements and Limitations)**

28. At all times after the effective date of Respondent's probation, Condition 7 of the Disciplinary Order stated, in pertinent part, that:

During probation, Respondent shall work in his licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week, unless Respondent is on documented disability for health-related reasons. . . .

29. Respondent's probation is subject to revocation because Respondent failed to comply with Probation Condition 7, referenced above, in that Respondent failed to work in his licensed capacity for a period of six continuous months, and no less than twenty hours per week. While the Board received documentation indicating that Respondent was physically disabled from August 14, 2005 - March 27, 2006, no documentation was received for the periods of February 13, 2004 - August 13, 2005 or March 28, 2006 to date.

1                                   **FOURTH CAUSE TO REVOKE PROBATION**

2                                   **(Completion of Educational Courses)**

3                   30.     At all times after the effective date of Respondent's probation, Condition 9  
4 of the Disciplinary Order stated, in pertinent part, that:

5                         Respondent, at his own expense, shall enroll and successfully complete a  
6                         course(s) substantially related to the violation(s) no later than the end of the  
7                         first year of probation; or Respondent shall be suspended from practice,  
8                         until he has enrolled in and has successfully completed the specified  
9                         course work.

10                   31.     Respondent's probation is subject to revocation because Respondent failed  
11 to comply with Probation Condition 9 of the Disciplinary Order, referenced above, in that he  
12 failed to complete remedial educational course work within the first year of probation.

13                                   **FIFTH CAUSE TO REVOKE PROBATION**

14                                   **(Maintenance of Valid License)**

15                   32.     At all times after the effective date of Respondent's probation, Condition  
16 10 of the Disciplinary Order stated, in pertinent part, that:

17                         Respondent shall, at all times while on probation, maintain an active current  
18                         license with the Board, including any period during which suspension or  
19                         probation is tolled. . . .

20                   33.     Respondent's probation is subject to revocation because Respondent failed  
21 to comply with Probation Condition 10, referenced above, in that Respondent allowed his license  
22 to expire August 31, 2003 and did not renew his license until August 30, 2007.

23                                   **SIXTH CAUSE TO REVOKE PROBATION**

24                                   **(Cost Recovery Requirements)**

25                   34.     At all times after the effective date of Respondent's probation, Condition  
26 11 of the Disciplinary Order stated, in pertinent part, that:

27                         Respondent shall pay the sum of three thousand six hundred dollars  
28                         (\$3,600.00) to the Board for the recovery of investigation and enforcement  
costs in this matter. Payments may be made in monthly installments  
until the entire amount is paid and the entire amount shall be fully paid  
four months prior to the termination of probation, unless modified by the  
Board. . . . Failure to make payments in accordance with any formal  
agreement entered into with the Board or pursuant to any Decision by the  
Board shall be considered a violation of probation. . . .

1                   35.     Respondent's probation is subject to revocation because Respondent failed  
2 to comply with Probation Condition 11, referenced above, in that Respondent failed to make any  
3 payment toward the ordered cost recovery.

4                   **SEVENTH CAUSE TO REVOKE PROBATION**

5                   **(Psychological Evaluation)**

6                   36.     At all times after the effective date of Respondent's probation, Condition  
7 13 of the Disciplinary Order stated, in pertinent part:

8                   Within sixty (60) days of the effective date of the Decision, Respondent  
9 shall submit to a psychiatric/psychological evaluation. The evaluation  
10 shall be performed by a psychiatrist licensed in California and Board  
certified in psychiatry, or by a clinical psychologist licensed in  
California. . . .

11                  Respondent shall cause the evaluator to submit to the Board a written  
12 psychological report concerning Respondent's status and progress as  
13 well as such other information as may be requested by the Board. This  
report shall be submitted within ninety (90) days from the effective date  
of the Decision. . . .

14                  37.     Respondent's probation is subject to revocation because Respondent failed  
15 to comply with Probation Condition 13, referenced above, in that Respondent failed to submit a  
16 psychiatric/psychological evaluation plan by July 24, 2004, as agreed at the June 24, 2004  
17 probation compliance meeting.

18                   **PRAYER**

19                  WHEREFORE, Complainant requests that a hearing be held on the matters herein  
20 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
21 Technicians issue a decision:

22                  1.     Revoking the probation that was granted by the Board of Vocational  
23 Nursing and Psychiatric Technicians in Case No. T-1068 and imposing the Disciplinary Order  
24 that was stayed, thereby revoking Psychiatric Technician License No. PT 21741 issued to Bert  
25 Duwayne Haddix;

26                  2.     Revoking or suspending Psychiatric Technician License No. PT 21741,  
27 issued to Bert Duwayne Haddix; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: January 8, 2009.



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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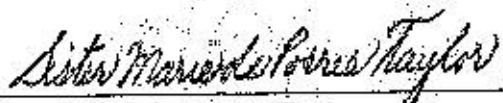
**Exhibit A**

**Decision and Order**

**Board of Vocational Nursing and Psychiatric Technicians Case No. T-1068**

**DECISION AND ORDER  
OF THE BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS**

The foregoing Stipulation in Settlement, in Case No. T-1068, is hereby adopted as the Order of the Board of Vocational Nursing and Psychiatric Technicians for the State of California on this 14<sup>th</sup> day of January, 2004. This Decision and Order shall become effective on the 13<sup>th</sup> day of February, 2004.

  
\_\_\_\_\_  
Sister Marie de Porres Taylor  
President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ROBERT R. REYFF, State Bar No. 074945  
Deputy Attorney General  
3 California Department of Justice  
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Facsimile: (510) 622-2270  
6  
7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 BERT DUWAYNE HADDIX  
12 120 Village Square Road No. 35  
Orinda, CA 94563

13 Psychiatric Technician License No. PT 21741

14 Respondent.

Case No. T-1068

OAH No. N2003020202

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive  
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action  
22 solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General  
23 of the State of California, by Robert R. Reyff, Deputy Attorney General.

24 2. Bert Duwayne Haddix (Respondent) is representing himself in this  
25 proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about April 14, 1982, the Board of Vocational Nursing and  
27 Psychiatric Technicians issued Psychiatric Technician License No. PT 21741 to Bert Duwayne  
28 Haddix (Respondent). The License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. T-1068 and will expire on August 31, 2003, unless renewed.

2 JURISDICTION

3 4. Accusation No. T-1068 was filed before the Board of Vocational Nursing  
4 and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending  
5 against Respondent. The Accusation and all other statutorily required documents were properly  
6 served on Respondent on January 17, 2003. Respondent timely filed his Notice of Defense  
7 contesting the Accusation. A copy of Accusation No. T-1068 is attached as exhibit A and  
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. T-1068. Respondent has also carefully read, and understands the effects of  
12 this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
15 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
16 the right to present evidence and to testify on his own behalf; the right to the issuance of  
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
18 reconsideration and court review of an adverse decision; and all other rights accorded by the  
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent understands and agrees that the charges and allegations in  
24 Accusation No. T-1068, if proven at a hearing, constitute cause for imposing discipline upon his  
25 Psychiatric Technician License.

26 9. For the purpose of resolving the Accusation without the expense and  
27 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
28 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up

1 his right to contest those charges.

2 10. Respondent agrees that his Psychiatric Technician License is subject to  
3 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
4 Disciplinary Order below.

5 CIRCUMSTANCES IN MITIGATION

6 11. Respondent Bert Duwayne Haddix has never been the subject of any  
7 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

8 CONTINGENCY

9 12. This stipulation shall be subject to approval by the Board of Vocational  
10 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for  
11 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may  
12 communicate directly with the Board regarding this stipulation and settlement, without notice to  
13 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
14 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the  
15 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
16 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
17 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board  
18 shall not be disqualified from further action by having considered this matter.

19 13. The parties understand and agree that facsimile copies of this Stipulated  
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
21 force and effect as the originals.

22 14. In consideration of the foregoing admissions and stipulations, the parties  
23 agree that the Board may, without further notice or formal proceeding, issue and enter the  
24 following Disciplinary Order:

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Psychiatric Technician License No. PT 21741  
27 issued to Respondent Bert Duwayne Haddix is revoked. However, the revocation is stayed and  
28 Respondent is placed on probation for five (5) years on the following terms and conditions.

1           **1. Obey All Laws.** Respondent shall obey all federal, state and local laws,  
2 including all statutes and regulations governing the license. Respondent shall submit, in writing,  
3 a full and detailed account of any and all violations of the law to the Board within five (5) days of  
4 occurrence. To ensure compliance with this term, respondent shall submit two (2) completed  
5 fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30)  
6 days of the effective date of the decision, unless the Board determines that fingerprint cards were  
7 already submitted by Respondent as part of his licensure application process effective July 1,  
8 1996. Respondent shall also submit a recent 2" x 2" photograph of himself within thirty (30)  
9 days of the effective date of the decision.

10           **2. Compliance With Probation Program And Quarterly Report**  
11 **Requirements.** Respondent shall fully comply with terms and conditions  
12 of the probation established by the Board and shall cooperate with the representatives of the  
13 Board in its monitoring and investigation of the Respondent's compliance with the Probation  
14 Program.

15           Respondent shall submit quarterly reports, under penalty of perjury, in a form  
16 required by the Board. The reports shall certify and document compliance with all the conditions  
17 of probation.

18           **3. Notification of Address And Telephone Number Change(s).**  
19 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or  
20 mailing address, of his new address and any change in his work and/or home telephone numbers.

21           **4. Notification of Residency or Practice Outside of State.** Respondent  
22 shall notify the Board, in writing, within five (5) days, if he leaves California to reside or practice  
23 in another state.

24           Respondent shall notify the Board, in writing, within five (5) days, upon his return  
25 to California.

26           The period of probation shall not run during the time Respondent is residing or  
27 practicing outside California.

28           **5. Notification to Employer(s).** When currently employed or applying for

1 employment in any capacity in any health care profession, Respondent shall notify his employer  
2 of the probationary status of Respondent's license. This notification to the Respondent's current  
3 health care employer shall occur no later than the effective date of the Decision. Respondent  
4 shall notify any prospective health care employer of his probationary status with the Board prior  
5 to accepting such employment. This notification shall be by providing the employer or  
6 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

7         The Health Care Profession includes, but is not limited to: Licensed Vocational  
8 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency  
9 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary  
10 technical health care positions.

11         Respondent shall cause each health care employer to submit quarterly reports to  
12 the Board. The reports shall be on a form provided by the Board, shall include a performance  
13 evaluation and such other information as may be required by the Board.

14         Respondent shall notify the Board, in writing, within five (5) days of any change  
15 in employment status. Respondent shall notify the Board, in writing, if he is terminated from any  
16 nursing or health care related employment with a full explanation of the circumstances  
17 surrounding the termination.

18         6.       **Interviews/meetings With Board Representative(s).** Respondent,  
19 during the period of probation, shall appear in person at interviews/meetings as directed by the  
20 Board, or its designated representatives.

21         7.       **Employment Requirements And Limitations.** During probation,  
22 Respondent shall work in his licensed capacity in the State of California. This practice shall  
23 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week,  
24 unless Respondent is on documented disability for health-related reasons.

25         While on probation, Respondent shall not work for a nurses' registry or in any  
26 private duty position, a temporary nurse placement agency, as a facility member in an accredited  
27 or approved school of nursing, or as an instructor in a Board approved continuing education  
28 course except as approved, in writing, by the Board. Respondent shall work only on a regularly

1 assigned, identified and predetermined work site(s) and shall not work in a float capacity except  
2 as approved, in writing, by the Board.

3       **8. Supervision Requirements.** Respondent shall obtain prior approval from  
4 the Board, before commencing any employment, regarding the level of supervision provided to  
5 Respondent while employed as a licensed vocational nurse or psychiatric technician.

6       Respondent shall not function as a charge nurse (i.e., work in any healthcare  
7 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,  
8 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric  
9 technician during the period of probation except as approved, in writing, by the Board.

10       **9. Completion of Educational Course(s).** Respondent, at his own expense,  
11 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later  
12 than the end of the first year of probation; or Respondent shall be suspended from practice, until  
13 he has enrolled in and has successfully completed the specified course work.

14       The course work shall be in addition to that required for license renewal. The  
15 Board shall notify Respondent of the course content and number of contact hours required.  
16 Within thirty (30) days of the Board's written notification of assigned course work, Respondent  
17 shall submit a written plan to comply with this requirement. The Board shall approve such plan  
18 prior to enrollment in any course of study.

19       Upon successful completion of the course, Respondent shall cause the instructor  
20 to furnish proof to the Board within thirty (30) days of course completion.

21       **10. Maintenance of Valid License.** Respondent shall, at all times while on  
22 probation, maintain an active current license with the Board, including any period during which  
23 suspension or probation is tolled.

24       Should respondent's license, by operation of law or otherwise, expire, upon  
25 renewal or reinstatement respondent's license shall be subject to any and all terms of this  
26 probation not previously satisfied.

27       **11. Cost Recovery Requirements.** Respondent shall pay the sum of three  
28 thousand six hundred dollars (\$3,600.00) to the Board for the recovery of investigation and

1 enforcement costs in this matter. Payments may be made in monthly installments until the entire  
2 amount is paid and the entire amount shall be fully paid four months prior to the termination of  
3 probation, unless modified by the Board. Where an order for recovery of costs is made,  
4 Respondent shall make timely payment(s) as directed in the Board's Decision pursuant to  
5 Business and Professions Code Section 125.3. Failure to make payments in accordance with any  
6 formal agreement entered into with the Board or pursuant to any Decision by the Board shall be  
7 considered a violation of probation.

8 The Board may conditionally renew or reinstate, for a maximum of one year, the  
9 license of any respondent who demonstrates financial hardship. Respondent shall enter into a  
10 formal agreement with the Board to reimburse the unpaid costs within that one year period.

11 Except as provided above, the Board shall not renew or reinstate the license of any  
12 Respondent who has failed to pay all the costs as directed in a Decision.

13 12. **Violation of Probation.** If Respondent violates the conditions of his  
14 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
15 aside the stay order and impose the stayed discipline revocation of the Respondent's license. If  
16 during the period of probation, an accusation or petition to revoke has been filed against the  
17 Respondent's license or the Attorney General's Office has been requested to prepare an  
18 accusation or petition to revoke probation against the Respondent's license, the probationary  
19 period shall automatically be extended and shall not expire until the accusation or petition has  
20 been acted upon by the Board. Upon successful completion of probation, the Respondent's  
21 license will be fully restored.

22 13. **Psychological Evaluation.** Within sixty (60) days of the effective date of  
23 the Decision, Respondent shall submit to a psychiatric/psychological evaluation. The evaluation  
24 shall be performed by a psychiatrist licensed in California and Board certified in psychiatry, or by  
25 a clinical psychologist licensed in California. This evaluation shall be for the purpose of  
26 determining Respondent's current mental, psychological and emotional fitness to perform all  
27 professional duties with safety to self and to the public. Respondent shall provide the evaluator  
28 with a copy of the Board's Disciplinary Order prior to the evaluation. Cost of such evaluation

1 shall be paid by Respondent.

2 Respondent shall cause the evaluator to submit to the Board a written  
3 psychological report concerning Respondent's status and progress as well as such other  
4 information as may be requested by the Board. This report shall be submitted within ninety (90)  
5 days from the effective date of the Decision.

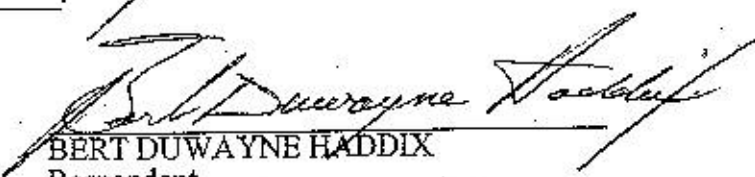
6 If the evaluator finds that Respondent is not psychologically fit to practice safely,  
7 or can only practice with restrictions, the evaluator shall notify the Board, in writing, within five  
8 (5) working days. The Board shall notify Respondent in writing of the evaluator's determination  
9 of unfitness to practice and shall order Respondent to cease or restrict licensed activities as a  
10 condition of probation. Respondent shall comply with this condition until the Board is satisfied  
11 of respondent's fitness to practice safely and has so notified Respondent. Respondent shall  
12 document compliance in the manner required by the Board.

13 If the evaluator finds that psychotherapy is required, Respondent shall participate  
14 in a therapeutic program at the Board's discretion. Cost of such therapy shall be paid by  
15 Respondent.

#### 16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
18 understand the stipulation and the effect it will have on my Psychiatric Technician License. I  
19 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
20 intelligently, and agree to be bound by the Decision and Order of the Board of Vocational  
21 Nursing and Psychiatric Technicians.

22 DATED: Nov 2005 Thursday

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25 BERT DUWAYNE HADDIX  
26 Respondent  
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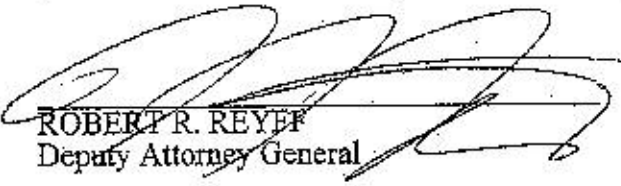
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

DATED: October 1, 2003

BILL LOCKYER, Attorney General  
of the State of California

  
ROBERT R. REYER  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03697110-F2002 D1090  
Haddix, Bert STIP 09-16-03.wpd

**Exhibit A**  
**Accusation No. T-1068**

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of the State of California  
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BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. T-1068

**BERT DUWAYNE HADDIX**  
120 Village Square Road, Apt. #35  
Orinda, CA 94563

**ACCUSATION**

Psychiatric Technician License No. PT 21741,  
Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this  
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about April 14, 1982, the Board of Vocational Nursing and  
Psychiatric Technicians ("Board") issued Psychiatric Technician License Number PT 21741  
to Bert Duwayne Haddix ("Respondent"). Said license was in full force and effect at all times  
relevant to the charges contained in this Accusation and will expire on August 31, 2003,  
unless renewed.

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## STATUTORY PROVISIONS

3. Section 4520 of the Business and Professions Code ("Code") provides in pertinent part that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Section 4521(a)(1) of the Code provides that the Board may suspend or revoke a license issued under the Psychiatric Technicians Law for unprofessional conduct, which includes, but is not limited to, gross negligence in carrying out usual psychiatric technician functions.

5. Section 4521(i) of the Code provides that the Board may suspend or revoke a license issued under the Psychiatric Technicians Law for the use of excessive force upon or the mistreatment or abuse of any patient.

6. Section 125.3 of the Code provides in pertinent part that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

*Patient L. L.*<sup>1</sup>

### FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

(Bus. & Prof. Code § 4521(a)(1))

7. On or about July 16, 2001, at or about 6:45 a.m., respondent, while working as a psychiatric technician at Canyon Manor, Novato, California, a residential psychiatric treatment facility, grabbed patient L. L. by the arm with excessive force and directed her away from the nursing station to the television room of the facility. Respondent's action was in response to patient L. L.'s request for money, directed to respondent while respondent was busy at the nursing station taking other patients' blood pressure readings.

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1. The full names of all patients referred to herein will be made available upon request for discovery.

1 When patient L. L. returned to the nursing station from the area of the television room  
2 a few minutes later, respondent again grabbed her by the arm, addressed her abusively and,  
3 while using excessive force, directed her to the "time out" room, an isolation room used for  
4 patient observation. Respondent, during the above indicated interactions with patient L. L.,  
5 failed to seek staff assistance, failed to maintain a therapeutic relationship with and for patient L.  
6 L., and failed to engage in therapeutic interactions that promoted or supported a healing process  
7 for patient L. L.

8 8. Respondent's conduct as set forth in paragraph 6, above, constitutes  
9 gross negligence within the meaning of Code section 4521(a)(1).

10 **SECOND CAUSE FOR DISCIPLINE**  
11 (Excessive Force, Mistreatment, Abuse of Patient)  
12 (Bus. & Prof. Code § 4521(i))

13 9. Complainant realleges paragraph 6, above, and incorporates it herein  
14 by reference as if fully set forth at this point.

15 10. Respondent's conduct as set forth in paragraph 6, above, constitutes  
16 the use of excessive force upon and mistreatment or abuse of a patient within the meaning of  
17 Code section 4521(i).

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**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 21741 issued to Bert Duwayne Haddix;
2. Ordering Bert Duwayne Haddix to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and
3. Taking such other and further action as may be deemed necessary or proper.

DATED: 1-17-03

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California

Complainant